

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

BILLY TYLER,) 8:11CV167
)
 Plaintiff,)
)
 v.) **MEMORANDUM
 AND ORDER**
)
 UNKNOWN MAYO, deputy U.S.)
 Marshals, and UNKNOWN LEWIS,)
 deputy U.S. Marshals,)
)
 Defendants.)

This matter is before the court on Plaintiff's Notice of Appeal. (Filing No. [22](#).) On August 24, 2011, the court dismissed Plaintiff's claims without prejudice and entered Judgment against him. (Filing Nos. [10](#) and [11](#).) Plaintiff appealed. (Filing No. [12](#).) On September 7, 2011, the court permitted Plaintiff to appeal in forma pauperis. (Filing No. [14](#).)

On December 7, 2011, the Eighth Circuit Court of Appeals affirmed this court's Judgment. (Filing No. [17](#).) The formal Mandate was issued on December 28, 2011. (Filing No. [21](#).) On March 22, 2012, Plaintiff filed the Notice of Appeal currently before the court. (Filing No. [22](#).)

Because the court has already granted Plaintiff leave to appeal IFP and because the Eighth Circuit has already dismissed Plaintiff's appeal, Plaintiff's Notice of Appeal is moot. The Clerk of the court shall not process the appeal to the Court of Appeals.

IT IS THEREFORE ORDERED that:

1. The Clerk of the court shall not process the appeal to the Court of Appeals.

2. The Clerk of the court shall provide the Court of Appeals with a copy of this Memorandum and Order.

DATED this 13th day of April, 2012.

BY THE COURT:

s/ Joseph F. Bataillon
United States District Judge

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